IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 28993 of 2007(B)

PETITIONER:

JAISON JOHN, AGED 38 YEARS, S/O. JOHN,
CHERUPARAMBIL, UDUMBANNOOR, THODUPUZHA.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:
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1. BABY, S/O. KURIAKOSE,
MARAMKANDATHIL HOUSE, UDUMBANNOOR,
THODUPUZHA.

2. JAYANTH JACOB, S/O. MARAMKANDATHIL,
UDUMBANNOOR, THODUPUZHA.

3. SUB INSPECTOR OF POLICE,
KARIMANNOOR.

4. DEPUTY SUPERINTENDENT OF POLICE,
THODUPUZHA.

BY GOVERNMENT PLEADER SRI. BENJAMIN PAUL
ADVS. SRI.K.K.CHANDRAN PILLAI --- R2
SRI.C.ANIL KUMAR --- R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 28993/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DOCUMENT NO. 3811/2007 DT. 30/08/2007 OF SUB REGISTRY, KARIKODE.

EXT.P2. COPY OF THE ORDER DT. 12/3/2007 OF THE MUNSIFF'S COURT, THODUPUZHA IN IA NO. 268/2007 I N OS NO. 50/07.

RESPONDENT'S EXHIBITS /ANNEXURES

EXT.R2A. COPY OF THE SETTLEMENT DEED NO. 3578/94 DT. 26/09/94 OF THE KARIKKODE SUB REGISTRY OFFICE.

EXT.R2B. COPY OF THE SALE DEED NO. 2986/97 DT. 3/09/97 OF THEKARIKKODE SUB REGISTRY OFFICE.

EXT.R2C. COPY OF THE SKETCH SHOWING THE POSITION OF 10 CENTS CONTAINED IN EXHIBIT R2A.

EXT.R2D. COPY OF THE SALE DEED NO. 2869/98 DT. 6/10/98 OF THE KARIKKODU SUB REGISTRY OFFICE.

EXT.R2E. COPY OF THE SALE DEED NO. 2870/98 DT. 6/10/98 OF THE KARIKKODU SUB REGISTRY OFFICE.

EXT.R2F. COPY OF THE SALE DEED NO. 2745/06 DT. 26/6/2006 OF THE KARIKKODU SUB REGISTRY OFFICE.

EXT.R2G. COPY OF THE SKETCH SHOWING THE POSITION OF 10 CENTS IN EXHIBIT R2D.

EXT.R2H. COPY OF THE SKETCH SHOWING THE DESCRIPTION OF 10 CENTS OF PROPERTY IN EXT.P1.

ANNEXURE R3A. COPY OF THE FIR.

ANNEXURE R3B. COPY OF THE PETITION NO. 372/2007.

True copy

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K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 28993 OF 2007-B

Dated 20th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner claims possession and ownership of the property covered by Ext.P1 sale deed. The 2nd respondent seriously disputes the said claim of the petitioner. The matter is already pending before the civil court. The petitioner submits, based on the complaint filed by the 2nd respondent, the 3rd respondent is interfering in the civil dispute and preventing him from entering into the property. The 2nd respondent submits, the petitioner under the cover of Ext.P1 cannot encroach into his property. In that event, the same will amount to an offence and he may be justified in moving the police.

2. The learned Government Pleader, upon instructions, submitted that the police are not harassing the petitioner or have no intention to harass him.

3. The civil dispute between the petitioner on the one hand and the 2nd respondent on the other, has to be settled by the civil court . The police

have no role to play in the said dispute. They shall not interfere with the dispute in favour of one side or the other. But, if any cognizable offence is reported, needless to say,the police have a duty to investigate the same and take appropriate action in accordance with law.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/